

Magistrate Judge Peter B. Scuderi

Judge Scuderi was born on April 12, 1928, in Philadelphia, Pennsylvania. He received a B.S. from Temple University in 1940 and an LL.B. from Duke University in 1952. From 1963 through 1971, he was a Hearing Examiner for the Pennsylvania Liquor Control Board. Judge Scuderi was appointed as a Magistrate of the United States Court for the Eastern District of Pennsylvania to a term beginning December 11, 1974, and he has subsequently been reappointed.

PRELIMINARY GENERAL MATTERS

1. Correspondence With the Court

Judge Scuderi permits correspondence from counsel, but usually only on housekeeping matters such as scheduling, extension of time, and uncontested matters between counsel. Judge Scuderi sometimes permits letter motions in lieu of formal motions.

2. Communications With Law Clerks

Judge Scuderi permits counsel to talk with his law clerks regarding procedural matters but never on the merits of the case. He encourages his law clerks to call counsel, for example, to determine whether a response will be filed to a motion.

3. Telephone Conferences

Judge Scuderi prefers that counsel come to his chambers for conferences. When discovery disputes occur during a deposition, however, he finds that telephone conferences are particularly effective.

4. Oral Arguments and Evidentiary Hearings

Judge Scuderi does not set aside any special days or times for oral arguments or evidentiary hearings.

5. Pro Hac Vice Admissions

Judge Scuderi permits oral motions for *pro hac vice* admission on the day that the attorney to be admitted first appears. A written motion before that time is not necessary.

CIVIL CASES

Pretrial Procedure

1. Pretrial Conferences

Judge Scuderi conducts status conferences, settlement conferences, and final pretrial conferences, but not on any fixed schedule. Judge Scuderi believes that his effectiveness in settling complex civil matters results from the fact that he can give such matters more time than the District Court Judges. Accordingly, his schedule must remain flexible at all times. He will normally schedule a pretrial conference at the request of counsel. The agenda for these conferences varies greatly, and, therefore, Judge Scuderi does not issue a standard agenda for them. The variables affecting the agenda include, for example, items such as the type of case, the number of parties, the age of the case, the status of discovery, and whether and how the case is listed for trial.

Judge Scuderi uses a standard form of pretrial order that varies depending on whether the conference is

primarily a discovery conference, a settlement conference, a motion conference, or a conference held to identify the issues before trial.

Continuances and Extensions

1. General Policy

Judge Scuderi's general policy on continuances for briefing schedules, oral arguments, evidentiary hearings, and discovery deadlines is to be liberal while the case is young and to become strict as trial approaches. For trial dates, Judge Scuderi is guided almost entirely by the District Court Judge to whom the case is assigned. He does not have any fixed requirements on how far in advance of a due date counsel should submit a request for an extension of time or a continuance.

2. Requests for Extensions and Continuances

Judge Scuderi prefers a stipulation, when possible, which may be submitted to the court in letter form. For contested requests, Judge Scuderi prefers a formal motion and response be filed.

General Motion Practice

1. Oral Argument on Motions

Judge Scuderi almost never orders oral argument on motions because he finds very few situations that require oral argument.

2. Reply and Surreply Briefs

Judge Scuderi permits reply briefs and surreply briefs, and he allows a liberal amount of time to file them.

3. Chambers Copies of Motion Papers

Judge Scuderi prefers to receive courtesy copies of motion papers. He notes that the original motion papers are often sent to the District court Judge instead of to the Magistrate Judge who is handling the case.

Discovery Matters

1. Length of Discovery Period and Extensions

Judge Scuderi has no general policy on the amount of time allowed for discovery. The length of the discovery period is dictated by the complexity of the case.

2. Discovery Conferences and Dispute Resolution

Judge Scuderi usually hold discovery conferences at the request of the District Court Judge and initiates follow-up conference when he believes they will be helpful. Judge Scuderi will permit telephone conferences to resolve discovery disputes that arise during depositions. He finds that these telephone conferences are particularly helpful when a District Court Judge is not available.

3. Confidentiality Agreements

Judge Scuderi permits stipulated confidentiality agreements to be submitted for his approval when the reasons for the proposed agreements are clearly articulated.

4. Expert Witnesses

Judge Scuderi prefers written expert reports and expert depositions, but he neither requires nor prohibits either. He prefers that the parties identify experts as early as possible, and, in any event, no later than the date of the final pretrial conference.

Settlement-Consent Cases

1. General Approach to Settlement and Non-Jury Cases

Judge Scuderi will not take part in settlement discussions when there will be a non-jury trial. When the trial will be by jury, Judge Scuderi may participate, but he will not actively press for settlement in order to avoid creating any appearance of partiality.

2. Referral of Settlement Negotiations to Another Magistrate Judge or a District Court Judge

Judge Scuderi occasionally refers settlement negotiations to another Magistrate Judge or to a District Court Judge.

Settlement - Jurisdiction Remains With the District Court

1. General Approach to Settlement

When a case is referred to Judge Scuderi for settlement only, he will conduct a settlement conference whether the trial is jury or non-jury. Judge Scuderi does require pretrial memoranda or a written synopsis of the case by counsel prior to the conference. The clients need not be present. However, counsel is expected to attend the conference with settlement authority and have the client available by phone.

Arbitration

1. General Approach to Arbitration Cases

Judge Scuderi does not use any special practices or procedures for arbitration cases.

2. Scheduling of Trial De Novo from Arbitration

Judge Scuderi schedules trial promptly when a demand for a trial *de novo* is filed after arbitration.

Proposed Final Pretrial Memoranda

1. Required Form of Pretrial Memoranda

Judge Scuderi has no requirements for pretrial memoranda other than those set forth in Local Rule 16.1.

2. Common Deficiencies in Pretrial Memoranda

Judge Scuderi does not observe any significant deficiencies in the pretrial memoranda submitted to him.

Trial Procedure

1. *Scheduling of Cases*

All of Judge Scuderi's cases are specially listed for trial.

2. *Conflicts of Counsel*

Professional and personal conflicts of counsel are normally not a problem, since all trials are specially listed by Judge Scuderi after consultation with counsel.

3. *Cases Involving Out-of-Town Parties or witnesses*

Judge Scuderi has no special policies for cases involving out-of-town parties or witnesses.

4. *Note taking by Jurors*

Judge Scuderi permits note taking by jurors, but only for the personal use of the jurors taking notes.

5. *Trial Briefs*

Judge Scuderi encourages submission of trial briefs.

6. *Voir Dire*

Judge Scuderi permits counsel to conduct all *voir dire* in civil cases. His Deputy Clerk is always present during *voir dire* and will summon Judge Scuderi if there is a dispute. Judge Scuderi does not place a time limit on *voir dire*, and he does not find the amount of time spent on *voir dire* to be a problem.

7. *Side Bars*

Judge Scuderi permits side bars, but on a complex motion or objections. He prefers to hold argument out of the hearing of the jury.

8. *In Limine Motions*

Judge Scuderi prefers to receive *in limine* motions at least one week before trial, but he will accept them up to the time of trial.

9. *Examination of Witnesses Out of Sequence*

Judge Scuderi will permit counsel to take witnesses out of turn for the convenience of the witnesses.

10. *Opening Statements and Summations*

Judge Scuderi has no fixed rule on the time limits for opening statements or summations. Judge Scuderi will grant a reasonable amount of time for counsel as dictated by the nature of the case.

11. *Examination of witness or Argument by More than one Attorney*

More than one attorney for a party may examine different witnesses or argue different points before Judge Scuderi.

12. *Examination of Witnesses Beyond Redirect and Recross*

Although Judge Scuderi has no special policy on this subject, he is guided by whether such further questioning is necessary to elicit information that may be helpful in resolving a factual issue.

13. *Videotaped Testimony*

Judge Scuderi has no special policy on the use of videotaped testimony.

14. *Reading of Material Into the Record*

Judge Scuderi permits counsel to read stipulations and pleadings into the record. For depositions, he prefers that a witness respond to the questions of counsel in open court.

15. *Preparation of Exhibits*

Judge Scuderi prefers that exhibits be pre-marked, and he requires that they be pre-exchanged. Counsel should provide one copy of the exhibits to Judge Scuderi.

16. *Offering Exhibits Into Evidence*

Judge Scuderi prefers that exhibits be offered into evidence at the close of each party's case-in-chief.

17. *Motions for Judgment as a Matter of Law and Motions for Judgment on Partial Findings*

A written motion is not required, and Judge Scuderi does not conduct oral argument on these motions unless the parties request it.

18. *Proposed Jury Instructions and Verdict Forms*

Judge Scuderi prefers to receive proposed jury instructions only for difficult or novel areas of law. He will accept supplemental points up to the end of the case-in-chief of the proposing party. Judge Scuderi usually conducts a conference on proposed jury instructions.

19. *Proposed Findings of Fact and Conclusions of Law*

In non-jury cases, Judge Scuderi prefers submission of proposed findings of fact and conclusions of law before the start of trial.

Jury Deliberations

1. *Written Jury Instructions*

Judge Scuderi does not give a copy of his instructions to the jury.

2. *Exhibits in the Jury Room*

Exhibits are not automatically sent out to the jury. Judge Scuderi seeks agreement from counsel on what to send out to the jury. When there is no agreement, he rules on the requests.

3. *Handling of Jury Requests to Read Back Testimony or Replay Tapes*

Judge Scuderi will not usually grant requests to read back portions of testimony or replay recordings or videotapes.

4. Availability of Counsel During Jury Deliberations

Counsel may return to their offices during jury deliberations, but they must be available on telephone notice.

5. Taking the Verdict and Special Interrogatories

Whether Judge Scuderi takes a general or special verdict depends on the nature and facts of the case.

6. Polling the Jury

Judge Scuderi will grant a request to poll the jury.

7. Interviewing the Jury

Jurors may not be interviewed by counsel in the courtroom.

CRIMINAL CASES

1. Approach to Oral Argument and Motions

Oral argument in criminal cases is the rule rather than the exception for Judge Scuderi.

2. Pretrial Conferences

Judge Scuderi does not conduct pretrial conferences in criminal cases.

3. Voir Dire

Judge Scuderi conducts all the *voir dire* in criminal cases.

4. Sentencing Memoranda

Judge Scuderi permits, but does not require, submission of sentencing memoranda by both sides.

OTHER GENERAL MATTERS

Judge Scuderi likes to receive copies of the appellate briefs when a decision rendered by him is appealed.